

course—of the Senate. She has always been very fair and very reasonable in her dealings with the Republicans in the Senate. We appreciate that. We know that is the way that she will proceed in the future. This is a very important role. If you go back and look at the history of the Senate, Senator BYRD certainly can tell us that this is a position we have had for years. The first Secretary was chosen on April 8, 1789, two days after the Senate achieved its first quorum for business. It is a very important role in the functioning of the Senate—the paperwork, administratively, the computers, the people serving here in the Chamber. There are so many important roles that that position requires careful consideration of, and work and development. I know she will do that.

I urge Jeri Thomson to do as I urged her predecessor, Gary Sisco, in that position, to make sure you do such a job that when you leave the position, the office and the position will be even better than it was when you took it over. I know you will do that. We extend to you our best wishes and our cooperation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I offer my personal congratulations and all good wishes to Jeri. I think she is going to be a superb Secretary of the Senate. What most people don't know about Jeri Thomson is that not only is she a talented professional, but she is a very nice person. She and I had knee surgery at approximately the same time, and I really never had a better friend during that period. She sent me books to read, made phone calls, even sent me a special pillow that could be used to help the pain from one knee to another. It was a wonderful gesture.

In the course of discussions about our relative injuries, over the past almost year now, I have come to know her very well. This is truly a distinguished woman because it is very hard to be an excellent professional and also to take the time that is necessary to reach out a hand to make someone feel a little bit better.

Jeri, you are all of the above. Congratulations and godspeed.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mrs. CARNAHAN assumed the chair.)

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I was very pleased to see Jeri Thomson become the new Secretary of the Senate.

Knowing my own days as a brandnew Senator, the role of Secretary of the Senate was very important, and it is even more important now. I am delighted she is here.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001—MOTION TO PROCEED—Continued

Mr. LEAHY. I understand that the time of the swearing in and the comments may have affected the time as to our 12 o'clock vote. Can the Chair advise me how much time is remaining under controlled time prior to the vote?

The PRESIDING OFFICER. The Senator from Minnesota has 21½ minutes.

Mr. WELLSTONE. I say to my colleague, I think colleagues are expecting a vote at 12. I yield the next 15 minutes to the Senator from Vermont if he wants it.

Mr. LEAHY. I probably won't even use all of that. I thank the Senator from Minnesota for his customary courtesy.

I suggest that we make a few comments, and I will certainly support whatever moves to yield back whatever time we may have so that we can vote at 12. The Senator from Minnesota is absolutely right, Senators are expecting this noon vote.

After today's vote on the motion to proceed, I am going to send an amendment to the desk for myself, the distinguished Senator from Utah, Mr. HATCH, and the Senator from Iowa, Mr. GRASSLEY, and ask for its immediate consideration. So that Senators will know, this amendment will be the text of S. 420, the Bankruptcy Reform Act of 2001, as it passed the Senate on March 15 by a vote of 83-15. I was one of the 83, as were Senators HATCH and GRASSLEY. I voted for the Senate form because it marked a bipartisan effort on the Senate Judiciary Committee and Members on the floor. We worked in the committee and then in the Chamber to produce a more fair and balanced bill because of our bipartisan amendment process.

During our consideration of the Bankruptcy Reform Act, Democratic and Republican Senators authored and passed 38 amendments between the Judiciary Committee and the Senate floor. That improved the bill. I will certainly be able to vote for it on the floor. I will be able to vote for that in conference.

We adopted the Leahy-Hatch amendment to protect the personal privacy of consumers whose information is held by firms in bankruptcy. Our amendment permits bankruptcy courts to honor the privacy policies of business debtors and creates a consumer privacy ombudsman to protect personal privacy in bankruptcy proceedings—the first ever in Federal law.

Unfortunately, we had to do this. The reason the Leahy-Hatch amendment is needed is that the customer lists and databases of failed firms can now be put up for sale in bankruptcy without any privacy considerations. Just so people who don't spend much time on the Internet will understand what I am talking about, many times you go into a Web site and they will have a very clear privacy policy where they say: We will never share your name, disclose your address or your information. They may well mean it. For example, you may have a case where you want your children to be able to go on, but under the clear privacy—they may be children's books or anything else. They are willing to have your children go there, and you rely on the privacy line that says, "Under no circumstances will we reveal these names."

But then if the Web site goes into bankruptcy, the bankruptcy court is faced with this kind of a situation. They look at the failed company, and they say they have a few outdated computers, they have a couple scuffed-up desks, a building. They do have one thing that may be worth something, one asset, and that is the list of all the people who have gone there—the names of your children and everybody else who may be on there. The bankruptcy court is put in this kind of a Hobson's choice. They are sworn to have to seek the best return on whatever assets remain for the creditors. Yet the people who created the assets, those who visit the Web site, are promised nobody is ever going to disclose their names. So this will at least ameliorate, or go a long way toward solving, the problems there.

We adopted the Schumer amendment to prevent the discharge of debts from violence against reproductive health service clinics.

During our hearing on bankruptcy reform legislation, Maria Vullo, a top-rated attorney, testified about the need to amend the bankruptcy code to stop wasteful litigation and end abusive bankruptcy filings used to avoid the legal consequences of violence, vandalism, and harassment to deny access to legal health services.

If somebody is going to break the law and use violence against health clinics, and somebody then brings a suit against them to recover for damages because of their violence, they should not be able to say: I am going to get away with this and go into bankruptcy court. They should not be shielded by bankruptcy.

We adopted the amendment of the distinguished Senator from Wisconsin, Mr. KOHL, to cap homestead exemptions at \$125,000, to limit wealthy debtors from abusing State laws to hide million-dollar mansions from their creditors. If somebody knows they are going to declare bankruptcy, they can take whatever cash on hand and in certain States buy a multimillion-dollar

mansion knowing they might be protected. Senator KOHL has been a champion of closing this loophole for the rich.

At our hearing in the committee, Brady Williamson, the former chair of the National Bankruptcy Reform Commission, testified that ending homestead abuse was a key and consensus recommendation from the Bankruptcy Reform Commission. They all joined on that.

Last month, the Florida Supreme Court issued a ruling that underscores the need for a national homestead cap to prevent bankruptcy abuses. The highest court in Florida ruled a debtor can still keep the full value of his home even if the homestead is acquired with the specific intent to hinder, delay, or defraud creditors. That should not be the rule.

We adopted several amendments by Senator FEINGOLD to strengthen chapter 12 to help family farmers with the difficulties they face. I hope we can finally make chapter 12 a permanent part of the bankruptcy code. Family farmers and ranchers deserve these protections to help prevent foreclosures and forced auctions.

I know Senator GRASSLEY and Senator CARNAHAN, the distinguished Presiding Officer, and other Senators on a bipartisan basis strongly support permanent bankruptcy protection for family farmers, and I am proud to join Senator GRASSLEY and Senator CARNAHAN in that support.

The complex and competing interests involved in achieving fair and balanced reforms of our bankruptcy system demand we work in a bipartisan manner throughout the legislative process.

I look forward to working with Senators and Representatives on both sides of the aisle to further improve this legislation in conference.

Madam President, I see the distinguished Senator from Iowa is here. I ask unanimous consent that at noon, all time, held by whomever, be deemed to have been yielded back, and we will be prepared then to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I stand here today not in opposition to moving forward with the Bankruptcy Reform Act, but to send a clear message that I continue to have strong reservations about whether this bill is both balanced and responsible. I have long said that debtors that have the genuine capacity to repay some of their debt should be required to do so, but abuses by creditors need to be stopped.

I grew up with a father who never accepted any credit—never had a credit card in his life. He taught me the importance of always working hard and paying your debts. I believe every American should work hard to spend responsibly and to repay their debts,

but I also know that some families are hit by unexpected hardships.

This bill should not have the effect of targeting our most vulnerable consumers—women who are left with little resources as their husbands who were the primary breadwinners leave the family; or families with no health insurance who are struck with financial hardship when one family member becomes critically ill; or another family who suddenly finds that the primary breadwinner is laid off with little employment opportunities available in the region.

These are not the families who need to be further stuck by hardship of bankruptcy reform that is inflexible or overly harsh on debtors.

I voted for the S. 420, the Bankruptcy Reform Act of 2001, because I believed and still do believe that there were some important protections added to the Senate bill, but I will absolutely not vote in favor of the final bankruptcy reform bill if it does not include at least these minimal protections for our most vulnerable consumers.

During the floor debate on S. 420, the Bankruptcy Reform Act of 2001, I worked with my colleagues on both sides of the aisle to add additional protections for women and children. I worked hard to ensure that once bankruptcy is complete, we do more to ensure that single mothers can collect the child support they depend upon. Senator HATCH and I passed an amendment to ensure that the holder of the claim, meaning the parent with custody of the child, most often the mother, is informed by the bankruptcy trustee of his or her right to have the State child support agency collect the nondischargeable child support from the ex-spouse. I believe this change will help inform women of their rights to have the State help them in their claims to collect child support.

In addition, I was concerned about competing non-dischargeable debt so I worked hard with Senator BOXER to ensure that more credit card debt can be erased so that women who use their credit cards for food, clothing and medical expenses in the 90 days before bankruptcy do not have to litigate each and every one of these expenses for the first \$750.

These are the most minimal of changes that I believe need to be in the final bill. I still do not believe that they go far enough. I believe that the final bill should protect child support full stop. I do not believe that child support should have to compete with any credit card debt. But it should certainly not retreat from these changes. The cap on protected expenses should not be lowered to the House version of \$250.

I also believe that the bill needs to include Senator SCHUMER's amendment to ensure that any debts resulting from any act of violence, intimidation, or

threat would be nondischargeable. It was a victory for the Senate to include this important amendment to ensure that those who are responsible for violence against women's health clinics are held responsible for their actions. I do not believe we should retreat on this point.

Let me be clear. This bill should go further to protect consumers, but it should certainly not retreat from the consumer protections in the bill.

I will vote for cloture on this bill, but I believe that as we move to conference we need to continue to work to ensure that we continue to gain more balance between creditors and debtors.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 17, H.R. 333, the bankruptcy reform bill:

Harry Reid, John Breaux, James M. Jeffords, Ben Nelson of Nebraska, Daniel K. Inouye, Max Baucus, Blanche L. Lincoln, Evan Bayh, Zell Miller, Joseph I. Lieberman, Byron L. Dorgan, Daniel K. Akaka, Kent Conrad, Chuck Grassley, Robert Torricelli, and Joe Biden.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 333, an act to amend title 11 of the United States Code, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. REID. I announce that the Senator from Washington (Ms. CANTWELL) is necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Ms. CANTWELL) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 88, nays 10, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—88

Akaka	Enzi	Miller
Allard	Feinstein	Murkowski
Allen	Frist	Murray
Baucus	Graham	Nelson (FL)
Bayh	Gramm	Nelson (NE)
Bennett	Grassley	Nickles
Biden	Gregg	Reed
Bingaman	Hagel	Reid
Bond	Hatch	Roberts
Breaux	Helms	Rockefeller
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Carnahan	Jeffords	Shelby
Carper	Johnson	Smith (NH)
Chafee	Kennedy	Smith (OR)
Cleland	Kerry	Snowe
Clinton	Kohl	Specter
Cochran	Kyl	Stabenow
Collins	Landrieu	Stevens
Conrad	Leahy	Thomas
Craig	Levin	Thompson
Crapo	Lieberman	Thurmond
Daschle	Lincoln	Torricelli
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Dorgan	McCain	Wyden
Edwards	McConnell	
Ensign	Mikulski	

NAYS—10

Boxer	Dodd	Hutchison
Brownback	Durbin	Wellstone
Corzine	Feingold	
Dayton	Harkin	

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—1

Cantwell

The PRESIDING OFFICER (Mrs. LINCOLN). If there are no Senators wishing to vote or change their vote, on this vote the yeas are 88, the nays are 10, and one Senator responded "present." Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 333) to amend title 11, United States Code, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

AMENDMENT NO. 974

Mr. LEAHY. Madam President, pursuant to the order of July 9, 2001, I send a substitute amendment on behalf of myself, Mr. HATCH, and Mr. GRASSLEY to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. HATCH, and Mr. GRASSLEY, proposes an amendment numbered 974.

Mr. LEAHY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted and Proposed.")

CLOTURE MOTION

Mr. LEAHY. Madam President, on behalf of the majority leader, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 974, the text of S. 420, as passed by the Senate, for H.R. 333, the bankruptcy reform bill:

John Breaux, Harry Reid, Byron Dorgan, E. Benjamin Nelson of Nebraska, Kent Conrad, Thomas Carper, Chuck Grassley, Daniel Inouye, Joe Biden, Robert Torricelli, Joseph Lieberman, Blanche Lincoln, Max Baucus, Zell Miller, James Jeffords, Tim Johnson, and Patrick Leahy.

The PRESIDING OFFICER. Under the previous order, the matter is laid aside until Tuesday, July 17, 2001, at 9 a.m.

Mr. LEAHY. Madam President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2217, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Byrd amendment No. 880, to make a technical correction.

Nelson of Florida amendment No. 893, to prohibit the use of funds to execute a final lease agreement for oil and gas development in the area of the Gulf of Mexico known as "Lease Sale 181."

AMENDMENT NO. 893

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate prior to a vote in relation to the Nelson amendment No. 893.

Who yields time?

The Senator from Florida.

Mr. NELSON of Florida. Madam President, I yield myself 2 minutes. I say to Senator GRAHAM, if he would like some time of the 2 minutes for closing, I will certainly yield to him.

Madam President, yesterday we had the Durbin amendment, and it was not tabled by a vote of 57-42. It was on the issue of oil drilling in national monuments, national treasures.

Ladies and gentlemen of the Senate, the beaches of Florida are national

treasures to us because of the importance of the beaches to our economy. If there is an oilspill, and a slick comes in on one of our beaches, it will shut down a beach, such as Clearwater Beach, for years and years. In an economy with a \$50 billion tourism industry, in the Nation's fourth largest State, that is simply not worth the risk to us in Florida.

For the first time, the eastern planning area of the gulf, which heretofore has not been drilled, save for one test drill up here, is being invaded by this offering for lease of 1.5 million acres coming across the line. It is inevitable, in the march eastward, it would go straight toward Tampa Bay.

This is a matter of national treasure to us. You all honored that yesterday in adopting the Durbin amendment, by not allowing drilling in the areas of national monuments. Senator GRAHAM and I ask that you join with us today in helping us preserve our national treasure.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Louisiana.

Mr. BREAUX. I yield 1 minute to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise to oppose this amendment and urge my colleagues to join with Senator BREAUX, myself, and others—a bipartisan group—in opposing this amendment.

We have a problem in this Nation. Our demand for energy is too high and our supply is not great enough. We use 30 trillion cubic feet of natural gas. We only have 25 trillion cubic feet. We think the Gulf of Mexico, in places far from the shores of Florida, has an ample supply of natural gas.

Let us not move in the wrong direction. Our country needs us to respond in a positive way. This is not a new area. It is rich with natural gas. It was a compromise reached by a Democratic administration with many environmental organizations and with the industry. It is moderate.

If you are for rolling blackouts and high prices, vote with Senator NELSON. If you are for reasonable energy policy, vote with me when I move, on behalf of Senator BREAUX, to table this amendment.

I yield the Senator 30 seconds.

Mr. BREAUX. How much time do we have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BREAUX. I thank the Chair.

I bring to the attention of my colleagues, lease sale 181 was proposed by President Bill Clinton. It was this entire tract of area that I show you on this map. Democratic President Bill Clinton proposed it. The Democratic Governor of Florida at the time was Governor Lawton Chiles, our former